

Notice of Allowability

Application No.

10/755,855

Examiner

Andrew D. Kosar

Applicant(s)

LIPPARD ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/11/06.
2. ☒ The allowed claim(s) is/are 1-4, 6, 9, 11, 15-19, 22-25, 27, 29-31, 33, 43 and 44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20060817.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Andrew D. Kosar, PhD
Art Unit 1654

EXAMINER'S AMENDMENT

Applicant's amendments and arguments filed August 11, 2006 are acknowledged and have been considered.

Claims 1-4, 6, 9, 11, 15-19, 22-25, 27, 29-31, 33, 35 and 42 are pending and have been examined on the merits.

In view of the examiner's amendment below, claims 1-4, 6, 9, 11, 15-19, 22-25, 27, 29-31 and 33, and new claims 43 and 44 (old claims 35 and 42, respectively) are allowed.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Michael J. DiVerdi on August 17, 2006.

The amendments below are set forth to correct improper multiple dependencies in claims 35 and 42 in the claim set of August 17, 2006. In order to facilitate clarity in the amendment, the claims have been canceled and new claims 43 and 44 are introduced.

The application has been amended as follows:

CANCEL claims 35 and 42.

ENTER new claims 43 and 44 as follows:

43. (NEW) A composition comprising a compound of any one of claims 1-4, 6, 9, 11, 15-19, 22-25, 27, 29-31, or 33 and a pharmaceutically effective excipient.

44. (NEW) A kit comprising a compound of any one of claims 1-4, 6, 9, 11, 15-19, 22-25, 27, 29-31, or 33 and instructions for administering the compound to a patient.

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The following is an examiner's statement of reasons for allowance:

The closest prior art of record ALTMAN and BERDAGUE teach generally steroid Pt(II) complexes, but do not teach or suggest, alone or in combination with any other art of record, Pt(IV) complexes as instantly claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

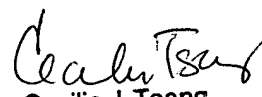
Claims 1-4, 6, 9, 11, 15-19, 22-25, 27, 29-31, 33, 43 and 44 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew D. Kosar whose telephone number is (571)272-0913. The examiner can normally be reached on Monday - Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrew D. Kosar, Ph.D.
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Cecilia J. Tsang
Supervisory Patent Examiner
Technology Center 1600